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Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Working Group on Firearms
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Draft Report

Addendum

II. Recommendations (*continued*)

1. At its meeting held in Vienna from 2 to 3 May 2018, the Working Group on Firearms adopted the recommendations presented below.

A. General recommendations on the links between firearms trafficking, organized crime and terrorism

Recommendation 1

Acknowledging that firearms trafficking is a transnational threat oftentimes linked to organized crime, including drug trafficking, and terrorism, and that the availability and accessibility of firearms, their parts and components and ammunition to these groups increases their destructive power and provides them with the material and financial means to pursue their goals and to perpetuate their existence, Member States should take all necessary actions to prevent these groups from acquiring these items.

Recommendation 2

Further acknowledging that illicit firearms facilitate organized crime and the commission of terrorist acts and undermines attainment of the 2030 Agenda for Sustainable Development (China), Member States should consider develop integrated and holistic approaches, national strategies or action plans to prevent and counter the illicit trafficking in firearms, their parts and components and ammunition, in particular in the context of transnational organized crime and terrorism.

Recommendation 3

Recognizing that the full and effective implementation of the United Nations Convention Against Transnational Organized Crime and its supplementary Firearms Protocol provides a meaningful basis to prevent and combat the illicit manufacturing of and trafficking in firearms, and its links to organized crime and terrorism, the Conference may wish to call upon all Member States that have not yet done so to adhere to and fully implement the above instruments.

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B. Recommendations on specific topics

1. Recommendations on legislative measures

Recommendation 4

Member States should enhance, where necessary, their national legal and institutional frameworks to address the interconnected threats posed by the illicit firearms trafficking, and other crimes such as organized crime and terrorism, and to request UNODC to provide assistance in this regard.

Recommendation 5

Member States should in particular revise and strengthen their national firearms legislation in order to identify legislative gaps and potential loopholes that can facilitate the access of firearms to criminal or terrorist groups and their diversion into the illegal market, taking into account emerging threats and technological developments, by reinforcing inter alia their provisions on manufacturing, deactivation and conversion, strengthening national transfer and licensing controls, as well as by considering introducing specific criminal offences related to the illicit manufacturing of and trafficking in firearms when linked to serious crimes, such as terrorism or organized crime.

2. Recommendations on preventive, security and regulatory measures

Recommendation 6

Member States are recommended to consider practical measures aimed at enhancing the control and traceability of firearms and to continue seeking innovative technological solutions in order to overcome the challenges posed by the frequent obliteration and erasing of markings on firearms used by criminal and terrorist groups, such as introducing microchips into weapons during their assembly process, inter alia.

Recommendation 7

Taking into account that comprehensive records and adequate marking are pre-requisites for effective tracing, Member States should consider the importance of maintaining records on firearms for as long as may be possible, and strengthening the capacity of law enforcement officers to efficiently search and use national databases with a view to investigating concrete criminal cases involving firearms trafficking and illicit firearms.

3. Recommendations on law enforcement and criminal justice

Recommendation 8

Member States are invited to consider establishing multidisciplinary pools of prosecutors in charge of organized crime, terrorism and arms trafficking, in order to better address these interconnected threats.

Recommendation 9

Member States should provide adequate capacity building and training for law enforcement and judicial officials, including prosecutors and judges, in order to deal with complex crimes involving multiple offences involving illicit arms trafficking (EU, France, Niger), and UNODC should facilitate and support requesting Member States in this endeavour.

Recommendation 10

Taking into account the multiple challenges faced by countries with large and porous borders to counter illicit arms trafficking, including at non-official border-crossings, Member States should be urged to undertake any effort to reinforce their mutual border control cooperation, and to strengthen the capacities of police and customs officials, in identifying firearms and their parts and components, and detecting

trafficking cases through tailored risk assessments and profiling techniques, specialized equipment and enhanced capacity building. To this end, UNODC should support requesting Member States in these efforts, inter alia through the provisions of specialized training, exchange of good practices and provision of adequate tools and equipment.

Recommendation 11

Member States should consider strengthening their early detection capacities to prevent diversion and illicit trafficking of firearms, their parts and components and ammunition, for example by using state-of-the-art technological tools for the monitoring and inspection of border controls at land, sea and air, and through specialized training to law enforcement, customs and judicial authorities, importers and exporters and other relevant actors.

Recommendation 12

With a view to ensure that criminal organizations responsible for firearm trafficking are identified and their leaders brought to justice, Member States should consider sharing information on seized firearms that were illegally trafficked into their territory, and ensure that further investigations are initiated, in follow up to the tracing requests, in the country where the last legal record of the firearms was identified.

4. Recommendations on international cooperation and information exchange

Recommendation 13

Member States should strengthen further their law enforcement and judicial cooperation on cases involving illicit firearms, for the purpose of gathering and exchanging information and evidence that can support criminal investigations in court.

Recommendation 14

Member States are encouraged to cooperate more closely with each other and to consider establishing joint investigative teams to conduct cross-border investigations, in order to counter the transnational phenomenon of firearms trafficking including when linked to other forms of organized crime and terrorism.

Recommendation 15

Member States should promote the exchange of information on trends and the strengthening of policies and actions on the craft production of firearms, their parts and components and ammunition.

Recommendation 16

The Working Group should consider promoting at its future a dialogue among Member States on the conducts, trends and efforts with regard to the detection and dismantling of trafficking through the darknet and the use of crypto-currencies, to reduce the illicit trafficking of firearms, their parts and components and ammunition.

Recommendation 17

Member States should also consider establishing a National Focal Point within a competent national authority, in charge of conducting and coordinating relevant actions and initiatives related to firearms control, including their tracing, record keeping, data collection and sharing, and supporting or conducting investigations on cases involving illicit firearms, and to facilitate cooperation and information exchange with other countries and relevant organizations, and where applicable, to act as liaison for the implementation of the Firearms Protocol.

Recommendation 18

Underlining the importance of tracing as essential measure to identifying illicit firearms flows, Member States are invited to consider establishing national tracing and ballistic centres allowing systematic and centralized data collection and analysis for the purpose of establishing a comprehensive intelligence picture that can also inform public policies against firearms trafficking, including in the context of organized crime and terrorism.

Recommendation 19

Member States are encouraged to periodically exchange information at regional and sub-regional levels on emerging threats related to the illicit trafficking in firearms with a view to detecting and identifying those threats early on and raising the awareness of other countries which might, due to the geographic proximity, face similar issues.

Recommendation 20

To this end, the Working Group should request UNODC to continue to play a leading role in facilitating and encouraging the regular sharing of data, information and experiences among Member States.

Recommendation 21

Member States are encouraged to consider concluding, where appropriate, Memoranda of Understanding with strategic partner countries to facilitate operational cooperation and information exchange in the context of prevention and combatting of firearms trafficking, including when linked to other forms of organized crime or terrorism.

Recommendation 22

The Conference may wish to acknowledge the importance and request the Working Group to continue to promote cooperation and coordination between Secretariats and equivalent governing bodies to relevant international and regional instruments and mechanisms, bearing in mind the different Parties to those instruments and mechanisms, and their alignment with target 16.4 of the 2030 Agenda for Sustainable Development.

5. Recommendations on monitoring illicit arms flows

Recommendation 23

Acknowledging the importance of enhanced data collection and analysis of illicit firearms flows (Brazil, Spain, EU), Member States are encouraged to revise and enhance their national data collection practices and tools (Brazil), and to participate and contribute to the upcoming UNODC data collection cycle, with a view to identifying illicit firearms trafficking trends and patterns, fostering information exchange and enabling the global monitoring of the achievement of indicator 16.4.2 of the 2030 Agenda for Sustainable Development.

C. Final recommendations

Recommendation 24

The Conference may also wish to request UNODC to continue to assist Member States in addressing the threats posed by illicit arms trafficking and its links to other serious crimes, and to prevent organized crime and terrorist groups from acquiring firearms, and further calls upon Member States to provide to this end the necessary technical and financial assistance to support developing countries.